

**TOWN COUNCIL
REGULAR MEETING
AUGUST 1, 2001**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:10 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Paul and Councilmembers, Starkey and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting. Councilmember Clark was absent.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to excuse Councilmember Clark. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

3. OPEN PUBLIC MEETING

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Steve Paris, 15001 SW 31 Court, spoke about the previous Council meeting and thanked Councilmembers Truex, Clark and Starkey for taking down the barricades. He referred to the long-term study that had been planned, stating that he understood Mr. Willi's intentions were to bring in a third party to do the study. Mr. Paris felt that residents understood that plans had been made one month ago for consultants to initiate and carry out this plan. He spoke about the recent traffic survey mailed to residents at a cost of \$6,000 to \$9,000, something that the residents felt a professional was going to handle. Mr. Paris objected to some of the questions on the survey.

Mr. Willi assured that the survey would not take the place of the long-term study and indicated that some questions on the survey addressed other projects for which the Town needed resident input. He stated that the mailing was the most cost-effective way and the best way for a Councilmember to communicate with constituents. Mr. Willi stated that the vendor did not follow instructions and over sent the mailing by four times more than what was planned.

Brenda Munson, 14591 SW 23 Street, spoke against the survey because many of the questions did not pertain to traffic. She stated that she still had not received the survey and felt that the cost was a waste of taxpayer's money. Ms. Munson felt that many residents did not understand the issue on 31st Court and cautioned Vice-Mayor Paul to stay neutral on this issue. Ms. Munson was concerned about who prepared the questions on the survey. She felt that Council did not work well together in general and did not communicate successfully.

Hilda Testa spoke in support of the survey, stating that it would provide valuable information on what residents wanted. She spoke about the road closing, indicating that this was an administrative decision, not something that went before Council and was not done at the request of Vice-Mayor Paul. Ms. Testa asked Vice-Mayor Paul not to stay neutral but to speak for the people.

Patricia Skelton, 5601 SW 39 Street, spoke about speed humps on Marsh Street. She stated that she lived near Potter Park and would like to see them installed on her street. Ms. Skelton advised that hers was not a major road and speed humps would be allowed. She did not feel a survey was necessary when a request for speed humps was unanimous by all residents on a particular block and added that there was a public park located on the road.

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Mr. Willi stated that he would meet with Chief George regarding this location and the need for speed humps. Discussion followed about the ordinance being put aside for a while, but Mayor Venis assured all that each request would be assessed individually.

4. PRESENTATIONS

4.1 Senator Debbie Wasserman-Schultz

Senator Wasserman-Schultz discussed the need for pool and water safety. She spoke about her committee assignments since taking office: Vice-Chair of Comprehensive Planning Local and Military Affairs Committee, dealing with local government, League of Cities; Regulated Industries Committee, dealing with telecommunications law as well as business and professional regulation; Banking and Insurance Committee; Health, Aging and Long-Term Care, Reapportionment Committee; and Legislative Redistricting Committee. She stated that during the next session, all district lines would be redrawn for the House, Senate and U.S. Congress. Senator Wasserman-Schultz advised that a meeting would be held on October 1st for constituent input on reapportionment. She spoke about the recent election reform package which would eliminate the "chad" system of voting and which established a voter's bill of rights and responsibilities. Senator Wasserman-Schultz added that it was of vital importance to address the education system and overcrowding in schools and asked Council to help put pressure on the governor to make this issue a priority. She reported that the Senate's position on tax cuts was to first solve the needs of the neediest people before allowing tax cuts to big business and the wealthy. Senator Wasserman-Schultz reported that she passed legislation this year dealing with crib safety that would have required that cribs in commercial use be inspected and meet national safety standards; however Governor Bush had vetoed the legislation. She added that she planned to introduce this again.

Councilmember Truex asked if Senator Wasserman-Schultz was planning to hold a Town Hall meeting. She advised that a meeting was planned for the fall. Councilmember Truex spoke about the problem the residents had with agricultural exemptions and felt that State law could help with this. Senator Wasserman-Schultz stated that she had plans to work on this issue which included a broader definition of agricultural land and the law. Councilmember Truex questioned the 25% surtax on Sunrise water. Senator Wasserman-Schultz stated that this was State law and a change in the law could not be passed that would only apply to a single community. She indicated that a committee had been established to provide input to the City of Sunrise and added that a public hearing was required when a rate change was proposed.

Councilmember Starkey was concerned about growth management and understood that Governor Bush was committed to concurrencies in regard to water and schools. Senator Wasserman-Schultz indicated that the Senate's position was that if development was halted or held up because of not enough schools, any growth management measure passed would need to have revenue attached to it. She spoke about a possible half penny sales tax and advised that an influx of people would cost more for schools and water. Senator Wasserman-Schultz felt that this legislation would be proposed next year, but may not pass.

Councilmember Starkey asked about Representative Feeney's area also being assessed the 25% surcharge. Mayor Venis advised that the committee that was formed was not really functioning. He spoke about the settlement agreement and advised that the rates would be

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frozen for six years. Mayor Venis added that he had met with Representative Feeney who appreciated the Town for taking this position, although the legislation did not pass. Senator Wasserman-Schultz indicated that this issue in Davie was taxation without representation and needed to be addressed. She advised that she would be happy to help.

Vice-Mayor Paul commended Senator Wasserman-Schultz for the great job she was doing. She agreed with the importance of the class size issue in education and stated that many people would support her in this matter. Vice-Mayor Paul spoke about the recent legislative decisions regarding citrus canker and felt this was an important step. She asked if something could be done in the area of monetary compensation for the trees. Vice-Mayor Paul felt that the Department of Agriculture needed to be brought under control and money should be spent to investigate sprays to control the canker. Senator Wasserman-Schultz agreed and spoke about the value of challenging and testing the science, stating that the 1,900-foot rule could still take effect. She felt that it was important to realize that citrus canker was a bad problem and the legislature needed to strike a balance, so that the Department was required to treat people fairly, but leeway was given to deal properly with the canker.

Senator Wasserman-Schultz indicated that her office was located in the Pembroke Pines City Hall and encouraged residents to contact her with their needs.

4.2 10,000th Child to Learn to Swim at Pine Island Park

Karen Leonard presented an award to Cameron Allen who was the 10,000th child to learn to swim at Pine Island Park. Mr. Allen thanked parents, teachers and staff for their part in making sure the children of Davie were safe in, and around, the water.

4.3 Junior Lifeguard Graduates

Ms. Leonard honored 23 children who had gone through the Junior Lifeguard program.

4.4 Upcoming Special Events - Bonnie Stafiej and Dennis Andresky

Bonnie Stafiej, Special Projects Director, advised that upcoming events included: public auction (August 4th); Project Stable horse show (August 19th); Five-Star bull riding (August 25th); and the Annual Labor Day Family Splash (September 3rd).

Dennis Andresky, Parks and Recreation Director, announced that upcoming events included: tackle football (begins August 11th); potluck dinner at Eastside Community Hall (August 17th); ice cream social (September 14th); pre-school program at Ivanhoe Community Center (3-5 year olds); and the grand opening of the Pine Island multi-purpose building (September 8th).

Mayor Venis advised that item 8.11 was withdrawn by staff and item 8.14 was withdrawn by the consultant. Regarding item 8.14, Councilmember Truex discussed the monthly cost of the contract and felt that paying for the consultant's actual time was more appropriate than paying a large fee for a retainer. He stated that this was not Council's intention when it was approved. Mr. Willi agreed and stated that this was a recommendation regarding a certain contract and this was one that did not indicate an hourly rate, which was why it was singled out.

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Mayor Venis stated that items 9.1 and 10.4 were requested to be tabled until August 15, 2001.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

Mayor Venis announced that item 10.6 needed to be tabled to September 6, 2001.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

Mayor Venis announced that item 10.7 needed to be tabled to September 19, 2001.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

Mayor Venis indicated that item 13.2 needed to be added to the agenda.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to add. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

5. MAYOR/COUNCILMEMBER'S COMMENTS MAYOR VENIS

HAPPY BIRTHDAY. Mayor Venis wished his son a happy birthday.

23RD STREET DRAINAGE PROJECT. Mayor Venis questioned this issue. Mr. Kiar explained that his office had prepared warranty deeds for eight or nine property owners. He added that a number of other property descriptions would be provided by the Engineering Department. A revision of title opinion was necessary, as well as a tax letter indicating that all taxes had been paid, and a partial release of mortgage form where there was an encumbrance. Mr. Kiar stated that residents had been called with this information and the right-of-way status and map needed to be obtained.

Town Engineer Dan Arner spoke about a meeting scheduled for August 2nd with Craven-Thompson to arrange for a proposal.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT. Mayor Venis advised of the District's annual budget forum scheduled for August 7th which he felt it was important for Council to attend.

ASHE/BRIT CONTRACT. Mayor Venis asked about this contract with Mr. Willi advising that it was currently being reviewed by the Purchasing Division.

BUDGET. Mayor Venis asked for an update on the budget. Mr. Willi explained that there were concerns about personnel numbers and a copy of the budget would be given to Council on August 2nd. He stated that the budget workshops would be less formal and the proposed dates for the workshops were August 13th and August 23rd, but these were tentative.

COUNCILMEMBER TRUEX

NEWSLETTER. Councilmember Truex spoke about the non-partisan Davie Review and Cyberspace Journal, which was his newsletter that he had provided before his election. He had continued to publish this and the newsletter was available on his personal web site.

TRAFFIC SURVEY. Councilmember Truex stated that this issue would be addressed Townwide and this was the first step.

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COMMUNITY RELATIONS ADVISORY BOARD. Councilmember Truex stated that he had attended the Board meeting recently and described a presentation by Sherman Mosely. He was hopeful Councilmember Clark would eventually report back to Council on the Board's actions.

AMERICANS WITH DISABILITIES ACT. Councilmember Truex advised that he had attended a meeting regarding the Act and discussed how this law was being used against business owners. He stated that local Davie businesses were affected by this and that it would require attention at the federal level. Mr. Willi indicated that the entire process was suspicious and staff was able to offer full technical assistance on this issue.

COUNCILMEMBER STARKEY

HAPPY BIRTHDAY. Councilmember Starkey wished her daughter a happy birthday.

AMERICAN CANCER SOCIETY. Councilmember Starkey indicated that the "Jail and Bail" fundraiser was still going on and residents could donate to this worthy cause.

CHAMBER OF COMMERCE EXPO. Councilmember Starkey advised that she had attended the Expo.

ADVISORY BOARD POLICY. Councilmember Starkey suggested that in the revision of boards, she would like to see a requirement of a monthly or periodic report to Council be included. She added that the boards should take notes themselves and prepare minutes, not at an expense to the Town. A report would provide assurance that a board's direction from Council was clear.

SEXUAL PREDATOR MEETING. Councilmember Starkey spoke about this valuable meeting given by the Davie Police Department August 2nd.

MIAMI DOLPHINS BREAKFAST. Councilmember Starkey advised that a kickoff breakfast was planned for August 10th.

VICE-MAYOR PAUL

142ND AVENUE VACATION. Vice-Mayor Paul asked about the progress on this vacation.

DAVIE BATTERY. Vice-Mayor Paul requested a report on why Davie Battery had not obtained their certificate of occupancy and asked if the Town could assist them with any roadblock. Mr. Arner advised that he had met with this business several times and the issue holding them up was straightforward and easy for them to address, but they had not done so. Mr. Kiar explained the issue.

Mr. Arner advised that an easement needed to be obtained and a verbal agreement to do so needed to be finalized in writing, which Davie Battery refused to do. He agreed to meet with them again on this issue.

LEADERSHIP. Vice-Mayor Paul spoke about Council's role in the Town and the value of leadership. She stated that she would continue to work for the residents of Davie, adding that being proactive and doing the right thing often meant not pleasing everyone.

SURVEY. Vice-Mayor Paul commended Ms. Stafiej on the mailing and was dismayed at how the vendor had handled the distribution, although the feedback from residents not directly affected had been good. Vice-Mayor Paul recommended having outside people review the results.

6. TOWN ADMINISTRATOR'S COMMENTS

DAVIE UPDATE. Mr. Willi indicated that August 17th was the deadline for articles.

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FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT). Mr. Willi indicated that FDOT wanted to hold a day long charette on September 22nd and he asked that Council and the community help provide a full contingent for this meeting.

Mayor Venis stated that there were many proposed changes that would affect the Town and it would be good for the residents living on 14th Street and in Shenandoah to attend. Mr. Willi indicated this would be a combined meeting with several municipalities.

DEPARTMENT OF HEALTH EVALUATION. Mr. Willi spoke about a letter from the Department of Health Bureau of Managing Medical Services to Fire Chief Don DiPetrillo. It was a congratulatory letter stating that no deficiencies were found during its visit and the vehicles and service records were outstanding. Mr. Willi added that the letter indicated that the Town was a role model for the State.

Councilmember Truex asked about the revised fiscal impact study. Mr. Willi stated that the economic development study would be handled as quickly as possible and would involve a consultant. Direction from Council was important to determine whether present data would be used or the information would be gained as a result of starting over with new data. Mayor Venis stated that Mr. Abraham had indicated that he could raise the monies through businesses to update the study. Mayor Venis suggested that a consulting department in a CPA firm handle the study.

7. TOWN ATTORNEY'S COMMENTS

CITRUS CANKER. Mr. Kiar stated that the recent ruling by the administrative law judge was very important, but this may be appealed.

COUNCILMEMBER CLARK. Mr. Kiar advised that he had visited Councilmember Clark and her new baby and wished them well.

8. CONSENT AGENDA

Minutes

8.1 June 28, 2001 - Workshop Meeting

8.2 July 3, 2001 - Regular Meeting

Proclamation

8.3 National Pollution Prevention Week (September 16 - 22, 2001)

Resolutions

8.4 **CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2001-204 **AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 WITH FLORIDA BLACKTOP, INC. FOR INCREASED CONCRETE SIDEWALK THICKNESS AND SIGNALIZATION RELOCATION FOR THE "PINE ISLAND ROAD RIGHT TURN LANE" PROJECT. (\$5,850)**

8.5 **CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2001-205 **FLORIDA, EXTENDING THE CONTRACT BETWEEN THE TOWN AND PARKSIDE CONCESSIONS, INC. FOR CONCESSIONAIRE SERVICES AT VARIOUS PARK LOCATIONS AND AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER 1.**

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- 8.6
R-2001-206 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE LDG CORP AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL. (4490 SW 64 Avenue)**
- 8.7
R-2001-207 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE HARMONY LAKES ESTATES HOMEOWNERS ASSOCIATION INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL. (1500 Hiatus Road)**
- 8.8
R-2001-208 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY TO PROVIDE FOR SUPPLEMENTAL BUILDING PERMIT PLAN REVIEW AND INSPECTION SERVICES, AND PROVIDING AN EFFECTIVE DATE. (\$40/hour)**
- 8.9
R-2001-209 **BOARD PROCEDURES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REGARDING BOARD PROCEDURE AND QUORUM REQUIREMENTS RELEVANT TO THE PLANNING AND ZONING BOARD, LOCAL PLANNING AGENCY AND SITE PLAN COMMITTEE.**
- 8.10
R-2001-210 **FIRE RESCUE SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2001; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**
- 8.11 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE SCHOOL BOARD OF BROWARD COUNTY, BID NUMBER 99-216H, FOR PHYSICAL FITNESS EQUIPMENT. (Precision Fitness Equipment - \$45,894)**
- 8.12
R-2001-211 **LOAN SUBSIDY PROGRAM ASSISTANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S APPROVAL OF COMMERCIAL LOAN SUBSIDY PROGRAM ASSISTANCE TO BEL-TEC ELECTRICAL FOR A REDEVELOPMENT PROJECT. (\$10,749.47)**

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- 8.13 R-2001-212 **FEE SCHEDULE REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA REVISING THE FEE SCHEDULE FOR THE MEETING ROOMS AND PROVIDING FEES FOR RENTAL OF THE FACILITIES AT THE NEW PINE ISLAND MULTI-PURPOSE CENTER AND GYMNASIUM.
- 8.14 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ENTERING INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND MITCHELL CEASAR TO REPRESENT THE TOWN OF DAVIE FOR LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES.
- 8.15 R-2001-213 **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE AMENDED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF DAVIE AND LOCAL 2315, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS.
- 8.16 R-2001-214 **PROPERTY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DECLARING A PUBLIC PURPOSE FOR THE SR 84 SPUR PROPERTY AND REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION CONVEY THE SR 84 SPUR PROPERTY TO THE TOWN OF DAVIE FOR NO CONSIDERATION.
- 8.17 R-2001-15 **ENGAGEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, FOR THE ENGAGEMENT OF MILLER, LEGG & ASSOCIATES, INC. IN PROVIDING ATTRIBUTE INFORMATION THROUGH GIS/SURVEY BASED SUPPORT FOR ASSISTANCE IN APPLICATION FOR FCT-FLORIDA FOREVER PROGRAM GRANT.

Site Plans

- 8.18 SP 11-2-00, Long Lake Ranches, 3501 Nob Hill Road (AG and E) (tabled from July 18, 2001) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report; subject to the applicant coming up with additional architectural treatment on the other three sides of the houses to identify them with their fronts; that the clubhouse tower be recessed to give it some depth and that Bahama shutters be added; subject to a Town appointed representative going into the entire area, parcels A, B and C if necessary, to assess the presence of wildlife and make recommendations for its removal
- 8.19 SP 4-3-01, Palm Garden Park, 6650 - 6656 SW 48 Street (RM-10) Planning and Zoning Division recommended approval; Site Plan Committee recommended approval

Temporary Use Permits

- 8.20 TU 5-1-01, Floridian Community Bank, 5599 South University Drive (B-2)
- 8.21 TU 7-1-01, Penmar Seventh Day Adventist Church, 3375 NW 74 Avenue (CF)

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Mayor Venis asked that item 8.10 be removed from the Consent Agenda. Councilmember Truex removed items 8.5, 8.9 and 8.20. Vice-Mayor Paul removed items 8.15 and 8.18.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda without items 8.5, 8.9, 8.10, 8.15, 8.18, and 8.20. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

8.5 Councilmember Truex stated that the proposed extension did not address serving alcoholic beverages and questioned if the main contract prohibited the sale of alcoholic beverages. Budget and Finance Director Christopher Wallace advised that he was not sure but it probably did as it was prohibited by the Town's Code.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve subject to confirming that it was in the main contract or adding to the extension that there be no serving of alcoholic beverages. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

8.9 Councilmember Truex felt that this resolution was anti-business and anti-resident, as matters could be tabled indefinitely due to insufficient vote. He would like to see the resolution amended so that an item could only be tabled one time and if there was not a majority vote, the item would be forwarded to Council without recommendation.

Councilmember Truex made a motion to clarify the resolution to say that a matter would not be tabled more than one meeting because there were less than three members voting for that item. He explained that if the item was already tabled because of a two/two or two/one vote, it could not be tabled a second time because of an insufficient vote and the item would come before Council. Vice-Mayor Paul felt that this would defeat the purpose of the resolution. Councilmember Truex stated that if one of these board's had a vacancy, there was a possibility that an item could be left in limbo. Councilmember Starkey agreed. Vice-Mayor Paul suggested two meetings instead of one.

After discussion, Councilmember Truex amended his motion that there not be more than two tablings. Vice-Mayor Paul seconded the motion. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

Councilmember Truex stated that he was opposed to the resolution, however, the amendment made it better than it was originally proposed. He felt that the board's recommendations were not binding on Council and the resolution would delay hearings, which was not fair to residents. Councilmember Truex added that the resolution was anti-business.

Mayor Venis called for a vote on the resolution as amended. In a voice vote, with Councilmember Truex dissenting and Councilmember Clark being absent, all voted in favor. (Motion carried 3-1)

8.10 Mayor Venis advised that the residential rate was not indicated on Appendix C, C1 and D2. Mr. Willi stated that this would be amended to reflect \$37.94. Chief DiPetrillo added that there was no other rate change.

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Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

8.15 Vice-Mayor Paul understood that the proposal was a recommendation of moving staff in order to allow for people to prepare for the Deferred Retirement Option Program. She confirmed with Chief DiPetrillo that the proposal was a savings realized from existing vacancies. Chief DiPetrillo explained the proposal. Vice-Mayor Paul asked about reorganization "and related matters." Chief DiPetrillo explained that related matters were scheduling changes and call outs for fire inspectors. Vice-Mayor Paul confirmed there would be no additional cost above the \$94,000 indicated.

Vice-Mayor Paul inquired about the wellness plan. Mr. Willi explained that this was being designed by the Human Resources Department which would result in better health for employees and a reduced rate in insurance for the Town.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to approve. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

8.18 Mr. Willi referred to the staff recommendations which included a pedestrian pathway that would not be deed restricted, changing of a recreational trail easement and a canal. Vice-Mayor Paul asked if the trail being eliminated was a dead-end trail or a connecting trail. Mr. Willi indicated that it was a dead-end trail.

Kevin Ratterie, representing the petitioner, explained the location of the trail and added that the purpose would connect the Hiatus Ranchettes community. He stated that the problem was that the trail was on top of a drainage ditch owned by Continental Citrus Corporation and since it was used by Hiatus Ranchettes, it was changed to be shown as a tract; however, it would remain as a ditch.

Mayor Venis asked if this would impact the residents' drainage. Mr. Ratterie explained the difference between this situation and that of Majestic Groves. Mr. Ratterie said that the situation in Long Lake Ranches could be accommodated with berming. Mayor Venis asked about the berming. Mr. Ratterie explained that it would be one and one-half to two feet to keep the water from draining onto their property.

Councilmember Starkey stated that she had met with residents and GL Homes representatives and she was supportive of the decision reached.

Vice-Mayor Paul asked if this was part of the proposed main trail system. Public Works/Capital Projects Director Bruce Bernard clarified that this was not part of the main trail system, but rather was sought as a connection along the canal. Access into the neighborhood was the goal and this would not provide for that.

Councilmember Starkey stated that none of the affected residents had horses and were not interested in horse trail access. She added that this drainage ditch was well needed.

Vice-Mayor Paul pointed out that there was an archeological site at this location, which needed to be preserved by creating an island. She explained the original request of GL Homes. Councilmember Starkey explained that the study showed the findings, based on input from several areas, were not that significant and she felt comfortable with GL Homes' decision to mitigate it. Dennis Mele, also representing the petitioner, spoke about the efforts to mitigate this on site if findings were found to be valuable or to send any artifacts to a museum. He advised that Bob Carr, an archeologist, would be on site during this process.

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Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve including the seven recommendations and site plan recommendations. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

8.20 Councilmember Truex advised that he had discussed this with staff and reported that this request was for one year. He asked if the applicant would object to a recommendation that this permit not exceed one year. Ingimar Goldenholtz, representing the petitioner, did not object.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve subject to adding a fourth condition that the permit would not exceed one year in duration. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

9. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held on August 15, 2001)

9.1 COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL, APPLICATION LA 01-2A AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO PROVIDE A COMMERCIAL LAND USE CLASSIFICATION TO A PARCEL OF LAND RECENTLY IDENTIFIED AS BEING WITHIN THE TOWN OF DAVIE BOUNDARIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from July 18, 2001)

This item was tabled earlier in the meeting.

9.2 EASEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A UTILITY EASEMENT TO BELLSOUTH CORPORATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (3801 South Pine Island Road)

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Councilmember Truex made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - absent; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-0)

10. PUBLIC HEARINGS

Ordinances - Second and Final Reading

10.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-1, LIGHT INDUSTRIAL DISTRICT TO RS, RECREATION/OPEN SPACE DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 3-2-01, Town of Davie, 4200 SW 61 Avenue)

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Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - absent; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-0)

10.2 **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2001-38 **VACATING AN INGRESS AND EGRESS EASEMENT WITHIN A PORTION**
 OF TRACT 14 IN SECTION 33, TOWNSHIP 50 SOUTH, RANGE 41 EAST;
 PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
 DATE. (VA 4-1-01, FLR Company, 5000 SW 82 Avenue)

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - absent; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-0)

Quasi Judicial Items

10.3 **REZONING - ZB 6-1-01, Stirling Place, Inc., 6851 Stirling Road (from B-1 to B-**
 2) Planning and Zoning Division recommended approval; Planning and
 Zoning Board recommended approval

Mayor Venis swore in the witnesses.

Michael Janoura, representing the petitioner, was present.

Mark Kutney, Development Services Director, advised that his qualifications were on file in the Town Clerk's Office and summarized the planning report.

Councilmember Truex asked if those restrictions would still be present based on the hours of operation and the uses would still be permitted. Mr. Kutney stated that he thought the actual uses were restricted. Mr. Janoura stated that the only hourly restriction had to do with the convenience store.

Mayor Venis asked if anyone wished to provide testimony in favor of or opposition to the issue. As no one spoke, the public hearing was closed.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - absent; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-0)

10.4 **VARIANCE - V 4-1-01, Anthony-Sylvan Pools Corp./Adams, 13101 SW 16**
 Court (A-1) (to reduce the required side yard setback from 25 feet to 21.5 feet)
 (tabled from July 18, 2001) Planning and Zoning Division recommended
 denial; Planning and Zoning Board recommended denial

This item was tabled earlier in the meeting.

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- 10.5 **SPECIAL PERMIT - SE 6-1-01, Rayani/Cumber and Rayani, 15191 SW 15 Place (R-1) (for a trailer to be used as a temporary real estate sales office)** *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mayor Venis swore in the witnesses.

Shem Rayani, representing the petitioner, was present.

Mr. Kutney summarized the planning report.

Mayor Venis asked if anyone wished to provide testimony in favor of or opposition to the issue. As no one spoke, the public hearing was closed.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - absent; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-0)

Items to be tabled

- 10.6 **PETITIONER REQUESTING A TABLING TO SEPTEMBER 6, 2001**

REZONING - ZB 4-3-01, Laystrom/Zacco, 5011 State Road 7 (from M-2 to B-2)

This item was tabled earlier in the meeting.

- 10.7 **STAFF REQUESTING A TABLING TO SEPTEMBER 19, 2001**

ZB(TXT) 6-01-01, Town of Davie

This item was tabled earlier in the meeting.

11. APPOINTMENTS

- 11.1 Youth Advisory Board (one exclusive appointment - Mayor Venis; term expires April 2002)

Mayor Venis deferred his appointment.

- 11.2 Child Safety Board (one exclusive appointment - Councilmember Truex; term expires July 2002)

Councilmember Truex deferred his appointment.

- 11.3 Open Space Advisory Committee (one exclusive appointment - Councilmember Clark; term expires July 2002)

This item was deferred due to Councilmember Clark's absence.

- 11.4 Parks and Recreation Advisory Board (one exclusive appointment - Councilmembers Truex and Clark; terms expire August 2002)

Councilmember Truex deferred his appointment. Councilmember Clark's appointment was deferred due to her absence.

- 11.5 Davie Water and Environmental Advisory Board (one exclusive appointment - Councilmember Clark; term expires December 2001)

This item was deferred due to Councilmember Clark's absence.

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11.6 Joint Economic Development Committee (non-exclusive appointments of two Councilmembers; term September 2001 to August 2002)

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to appoint Councilmember Starkey. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

12. OLD BUSINESS

12.1 Sterling Award Process - Councilmember Paul

Vice-Mayor Paul distributed information on the Sterling Process which she asked Council to read and to discuss at a future meeting. She advised that Broward County and the City of Coral Springs had gone through the Process and added that the program was a means of assessing and developing a plan for the Town. Vice-Mayor Paul spoke about the program and stated that instead of goals being based on the budget, a good strategic plan would not include the budget and that the process was based on customer satisfaction. She enumerated the seven parts of the program and suggested that this would allow for the building of a successful infrastructure. Vice-Mayor Paul stated that a consultant would be needed to start this process and implement a strategic plan and mission statement. She advised that a workshop was being held in Coral Springs on August 8th and in Miami on September 19th.

Councilmember Starkey was concerned about whether or not this was timely and if surveys would be internal as well as external. Vice-Mayor Paul agreed and she felt that all boards should be involved, as well as all staff.

Councilmember Starkey questioned if there was a first step. Vice-Mayor Paul stated that the strategic plan would take place first and suggested that the mission statement be posted in all offices. The self-assessment would point out strengths and weaknesses which would help the community be more aware and applicants better informed. Vice-Mayor Paul indicated that she would like to see this matter addressed after the budget was completed and some of the workshops were attended.

Councilmember Starkey recommended providing this information to the Community Relations Advisory Board.

12.2 Renaming of Pine Island Park

Mr. Andresky explained the process of naming the park and stated that Council should choose the name which would be announced at the next meeting.

Mayor Venis indicated that he would like to keep the Bamford Sports Complex as part of the final name. Councilmember Starkey agreed, however, the resolution was to name the first four ballfields after Mr. Bamford and no matter what name was chosen, she did not want to take this away from the Bamford family. Mr. Andresky advised that this part of the park would always remain the Bamford Sports Complex. With the expansion of the park, this was a very large park and he felt a new name was appropriate. Councilmember Starkey stated that there were questions if names would be sunset or kept forever.

Mayor Venis stated that he would like to decide at the next meeting, which would allow for Councilmember Clark's input as well.

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13. NEW BUSINESS

- 13.1 Waiver of Code Section 12-309(C)(5) which requires that the Planning and Zoning Board not consider a second request for variance within one year - Home Depot USA, Inc., 5801 South University Drive (tabled from July 18, 2001)

Dennis Mele, representing the petitioner, advised that the petitioner wanted to submit an application for signage. He indicated that Council's vote on this item would not permit the sign, but just the application. Mr. Mele explained that a waiver was needed as modifications to the roofline had been suggested and the signage plans could change as a result.

Vice-Mayor Paul asked how this request would impact other businesses that were interested in waivers and questioned if Council would be obligated to approve other requests. Mr. Mele stated that no variance created a precedent and each matter was handled on a case-by-case basis. Mr. Kutney advised that staff had provided a recommendation and agreed with Mr. Mele that this was a Council decision on a case-by-case basis.

Councilmember Truex felt that Council needed to help the petitioner, as this was an important project and he would vote to approve.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

**13.2 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE
R-2001-216 APPLICATION FOR THE FLORIDA COMMUNITY TRUST-FLORIDA
FOREVER PROGRAM GRANT.**

Mr. Willi explained that this resolution was for the wetland grant that was due on August 13th with the consultants providing information on August 5th and 6th.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

Mike Bender, Planning and Zoning Board member, spoke about the signs used for rezonings and variances and explained that the signs were not large enough to read. He explained that the Board would like three-foot by three-foot signs with large lettering and indicated that the cost would be minimal.

Mr. Kutney agreed and advised that the existing supply of signs was nearly depleted. Mayor Venis asked if there were criteria for a rezoning sign. Mr. Kutney stated that the Town's Code did not prescribe specific wording.

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:30 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk